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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.NO.11745 OF 2021

G.Perumal

... Petitioner

.Vs.

1. The District Collector,
Thiruvannamalai District.
2. The Revenue Division Officer,
Thiruvannamalai,
Thiruvannamalai District - 606 701.
3. The Assistant Engineer,
PWD, Chengam, Chengam Taluk,
Thiruvannamalai District - 606 701.
4. The Tahsildar,
Chengam Taluk,
Thiruvannamalai District - 606 701.
5. The Block Development Officer,
Bangalore Main Road,
Chengam Taluk,
Thiruvannamalai - 606 701.
6. The Sub Registrar,
No.14, Raja Veethi, Chengam Town,
Thiruvannamalai - 606 701.
7. G.Sekar
8. G.Sampath
9. R.Maiyeel
10. S.Sakthivel



11. The Chief Conservator of Forests,
Chengam Taluk,
Tiruvannamalai District.

(Eleventh respondent suo-motu
impleaded, vide order dated 17.02.2022
in W.P.No.11745 of 2021)

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 6 to consider the petitioner's representation dated 15.04.2021 in relating to remove the construction putting of house from Government poramboke land in S.No.1/3 and 1/3A and encroached by the respondents 7 to 10 situated at Irular Kalani, Mannandipatti, Andipatti Post, Chengam Taluk, Thiruvannamalai District.

For Petitioner : M/s.R.Ravitha

For Respondent : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
For R1 to R6 and R11

No appearance
For R7 to R10

ORDER

(The Order of the Court was made by
The Honourable Chief Justice)

The Writ Petition has been filed to seek direction for consideration of the petitioner's representation dated 15.04.2021 to remove the construction of house on the Government poramboke land in S.No.1/3 and 1/3A by the respondents 7 to 10.

2. In response to the present writ petition, counter affidavit has been filed by the State and it is submitted that the land on which the alleged encroachment has been shown by the petitioner, is not a "Forest land" and further, pattas were issued to 18 persons vide proceedings dated 18.12.2020 issued by



the District Collector, Tiruvannamalai (first respondent herein). In the light of the counter affidavit given by the Government and in the absence of challenge to the pattas given pursuant to the proceedings dated 18.12.2020, the respondents 7 to 10 cannot be said to be encroachers on the lands. It is more so, when the Forest Department, vide letter dated 02.03.2022 has not endorsed the land in question to be under "forest".

3. Accordingly, we do not find any case for issuance of the direction as sought by the petitioner. The writ petition is accordingly dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dsn/cs

To

1. The District Collector,
Thiruvannamalai District.
2. The Revenue Division Officer,
Thiruvannamalai,
Thiruvannamalai District - 606 701.
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Thiruvannamalai - 606 701.



7. The Chief Conservator of Forests,
Chengam Taluk,
Tiruvannamalai District.

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+1cc to the Government Pleader, S.R.No.36159

W.P.NO.11745 OF 2021

JPL (CO)
PBS/27/06/2022